

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department -Adilabad District- Revision Petition filed by Sri Gaddi Rajaiah S/o Pochaiah R/O Nelki Venkatapur (V) Dandepalli (M) Adilabad District against the Orders of the Additional Agent to Government and Project Officer , ITDA Utnoor in Case No: A4/07/2005 Dt: 06-03-2007 in respect of the land measuring Ac.4.68 cents and Ac. 1-35 cents situated at Nelki Venkatapur (V), Dandepally Mandal, Adilabad District - Dismissed - Orders - Issued

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 31

Dated: 19-05-2017
Read the following:-

- 1.Revision Petition filed by Sri Gaddi Rajaiah S/O Pochaiah R/o Nelki Venkatapur (V) Dandepalli (M) Adilabad Dist.Dt:28-3- 2007.
 2. Govt Memo. No.2274/L TR.2/07-1, dated 11.04.2007.
 3. From the Additional Agent to Government, Utnoor, Adilabad District Letter No.A4/07/2005, dated 28.04.2007.
- 0o0-

ORDER

In the reference 1st read above, Sri Gaddi Rajaiah S/o Pochaiah R/O Nelki Venkatapur (V) Dandepalli (M) Adilabad District against the Orders of the Additional Agent to Government and Project Officer, ITDA Utnoor, Adilabad District in Case No: A4/07/2005 Dt: 06-03-2007 in respect of the land measuring Ac.4.68 cents and Ac. 1-35 cents situated at Nelki Venkatapur (V), Dandepally Mandal, Adilabad District.

2. In the reference 2nd read above, the Project Officer & Addl. Agent to Government, Utnoor, Adilabad was requested to furnish Para Wise Remarks and connected case records and in the reference 3rd read above the Addl. Agent to Government, Utnoor, Adilabad District has furnished Para Wise Remarks and connected case records.

3. The main grounds put forth by the petitioner in the Revision Petition among others are:

- In response to the notice issued by the Special Deputy Collector (T.W) Utnoor the petitioner in the Revision Petition had submitted his explanation and also produced the documentary evidence to prove his title. Subsequently no notice was issued and no chance of personal hearing was given to the petitioner. All of a sudden notice was issued and no chance of personal hearing was given to the petitioner, all of a sudden on 29-12-2004 the Special Deputy Collector passed ejectment Order without giving any opportunity to the petitioner.
- Though the petitioner produced the vendee as witness before the Special Deputy Collector (T.W) Utnoor and he clearly stated that he sold the land much prior to the coming into force of the Act 1/70. But the Special Deputy Collector (T.W) without considering this evidence and even without recording his evidence in the judgment passed the ejectment Order.
- The Petitioner is in possession of the land since his purchase in the year 1969 and the provisions of A.P. Scheduled Areas Land Transfer Regulation, 1969 has no application to the case of the petitioner.
- When the evidence shows that there is no transfer between the petitioners and the respondents regarding the land in question, the question of violation of the provisions of the amended regulation Act I of 1970 of L.T.R Act does not arise and the passed on that act will not stand legally.

4 The remarks of the Addl. Agent to Government, Utnoor, Adilabad on the Revision Petition are as under:

- As per pahani records the transaction is found to have occurred after 03-02-1970 and in the year 1993-94. The pahani records are evident to this transaction, there are no records for the transaction after 03-02-1970 and the year 1993-94. The pahani records are evident to this transaction, there are no records for the transaction of the above suit land occurred in the year 1969 the petitioner also failed to prove the transaction made on the date. Hence the transaction made in between non-tribal to another nontribal is found after cut off date, such transaction made in agency tract after cut off date in Agency tract is found in contravention of A.P.S.A. Land Transfer Regulation 1959 as amended Regulation 1 of 1970.

(Contd...2)

::02::

- The petitioner failed to prove the transaction made in the year 1969, hence the claim of purchase of land prior to cut of date 03-02-1970 is not tenable. Further the claim of the petitioner that the village Nelki Venkatapur does not come under Schedule area is also not tenable. There were two villages with same name, Venkatapur was declared as Agency area under Part-B State Order 1950 in erstwhile Taluq Luxettipet, Adilabad District. Due to same name in one Taluq the confusion arose hence the people of the village Venkatapur of Dandepally Mandal added "Nelki": only to distinguish and for clear identification. Hence on contravention of Agency rules the action of the Agency courts are taken under the provision of A.P.S.A. Land Transfer Regulation 1959 as amended Regulation 1 of 1970.
- As the transfer of land is after 03-02-1970 the transaction made in agency tract after cut-off date in Agency tract is found in contravention of A.P.S.A.Land Transfer Regulation 1959 read with amended regulation 1 of 1970.

5. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before the authority as well as before the Additional Agent to Government, Utnoor, Adilabad District it is observed that;

- The Revision Petitioner main plea is that he has purchased the land to an extent of Ac 4.26 gts in Sy.No.110/AA situated at Nelki Venkatapur(V), Dandepally Mandal, Adilabad District through a sale deed on Rs.3/- stamp paper on 16.6.1969 from Sri K.Moshaiah for a sale consideration of Rs.4650/- and that he has been in continuous position from that date and hence the transfer is not hit by Act 1 of 59 read with Act 1 of 70.
- As seen from the documents produced by the Revision Petitioner and connected records of Additional Agent to Government, Utnoor it is evident that the Revision Petitioner has entered into sale agreement with Sri K.Moshaiah on 16.06.1969. But the sale transaction was not complete since he has not got it registered in his name. Further he could not produce any other evidence such as pahanies and cyst receipts from 16.6.1969 to prove that he was in possession of the land in question. He could produce pahanies as possessor of the land only for the years 1999-2000, 2000-2001 and 2001-2002. Hence it is established beyond doubt that he was even not possessor of the land before 3-2-1970 i.e. enactment of Act 1 of 1970. Further his claim that Nelki Venkatapur(V) is not in schedule area is also not tenable since the village is notified in schedule area. Further the transaction is between Non tribe to Non-tribe.

6. Government after careful examination of the matter hereby dismiss the Revision Petition filed by Sri Gaddi Rajaiah S/o Pochaiah R/O Nelki Venkatapur (V) Dandepalli (M) Adilabad District and upholds the orders of the Additional Agent to Government, Utnoor, Adilabad district Utnoor dated 06-03-2007 in Case No: A4/07/2005.

7. The District Collector, Adilabad / Mancherial is directed to take necessary action for ejectment accordingly. The original case records received in the reference 3rd read above are returned herewith to the Additional Agent to Government, Utnoor, and Adilabad district.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

BENHUR MAHESH DUTT EKKA
SECRETARY TO GOVERNMENT

To
Sri Gaddi Rajaiah S/o Pochaiah R/O Nelki Venkatapur (V)
Dandepalli (M) Adilabad District.

The District Collector, Adilabad / Mancherial Districts.

Copy to :

The Additional Agent to Government, Utnoor, Adilabad district Utnoor (w.e.)

The Special Deputy Collector(TW), Utnoor, Adilabad District
for information and necessary action.

The Tahsildar, Dandepally Mandal, Adilabad District
for necessary action.

Sri Kommu Moshaiah S/o Late K.Jakkaiah, R/o Nelki Venkatapur Village,
Dandepally Mandal, Adilabad District.

Sri.S.Surender Reddy, Advocate, Flat No: 16, Block No: 33,
MIG-II, Baghlingampally,Hyderabad-44.

P.S to M(TW)/P.S. to Prl.Secretary(TW)
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER